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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DOUGLAS J. REECE, on behalf of himself and
 all others similarly situated,

Plaintiffs,

v.

ALTRIA GROUP, INC., ALTRIA
 ENTERPRISES LLC, and JUUL Labs, Inc.,

Defendants.

Case No. 20-cv-02345-WHO (and related
 actions)

**JOINT CASE MANAGEMENT
 STATEMENT**

Judge: Hon. William H. Orrick
 Date: September 21, 2020
 Time: 1:30 p.m.
 Location: Zoom Webinar

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

ALL INDIRECT PURCHASER ACTIONS

ALL INDIRECT RESELLER ACTIONS

Pursuant to the Court’s Minute Entry (ECF No. 54) and L.R. 16-10(d), the Direct Purchaser, Indirect Purchaser, and Indirect Reseller Antitrust Plaintiffs and Defendants Altria Group, Inc., Altria Enterprises LLC (collectively “Altria”), and Juul Labs, Inc. (“JLI”)¹ jointly submit this Case Management Statement in advance of the Case Management Conference to be held September 21, 2020 at 1:30 p.m.

I. Production of Altria’s FTC Documents to Plaintiffs

Pursuant to the Joint Stipulation and Order Entering the Protective Order and Case Management Orders Previously Adopted in MDL 2913 (ECF No. 112), the Altria Defendants produced to Plaintiffs the Category 1 documents of its FTC production on September 10, 2020. Altria will produce any privilege logs already provided to the FTC by September 18, 2020. Privilege logs that are yet to be provided to the FTC shall be provided to Plaintiffs within one week of when they are provided to the FTC. Altria estimates that the Category 2 documents of its FTC production will be provided to Plaintiffs by September 30, 2020.

JLI has not yet produced its FTC production to Plaintiffs. JLI has produced FTC documents to plaintiffs in the MDL. JLI will produce the same documents to Plaintiffs once the parties are able to come to agreement on and the Court has approved versions of the Joint Coordination Order (CMO No. 9/ECF No. 572) and Deposition Protocol Order (CMO No. 10/ECF No. 573) entered in the MDL, a subject on which the parties are currently conferring.

II. Filing of Consolidated Complaints and Proposed Briefing Schedule

Plaintiffs and Defendants have met and conferred regarding a schedule for filing consolidated complaints and the briefing schedule for any responsive motions.

¹ This filing includes all of the known actions filed against Defendants to date. No Defendant has been served in *Larimore, et al. v. Altria Grp., Inc., et al.* (Case No. 3:20-cv-02999) and *Irwindale Fuel Station, Inc. v. Altria Grp., Inc., et al.* (Case No. 3:20-cv-04736). In addition, the Altria Defendants have not been served in *McGee, et al. v. Altria Grp., Inc., et al.* (Case No. 3:20-cv-04413). In filing this Joint Case Management Statement, Defendants preserve all objections to jurisdiction, venue, sufficiency of service of process in the cases in which they have not yet been served, and the right to move to compel arbitration of claims subject to binding arbitration provisions.

1 Plaintiffs anticipate filing three Consolidated Class Action complaints:

2 (1) a class action on behalf of a class of businesses and natural persons that purchased e-
3 cigarettes and/or pods from Defendants alleging claims under the federal antitrust laws, 15 U.S.C.
4 §§ 1, 7, 16.

5 (2) a class action on behalf of a class of business resellers that purchased e-cigarettes
6 and/or pods from distributors with the intent to resell them alleging claims under state law; and

7 (3) a class action on behalf of a class of consumers that purchased e-cigarettes and/or
8 pods indirectly for personal use alleging claims under state law.

9 The Parties propose the following schedule:

<u>Event</u>	<u>Deadline</u>
Consolidated Complaints	November 13, 2020 (Friday)
Responsive Motions	January 15, 2021 (Friday)
Oppositions to Responsive Motions	March 5, 2021 (Friday)
Replies in support of Responsive Motions	March 31, 2021 (Wednesday)
Hearing on Motions	TBD (at Court's convenience)

18 **III. Initial Disclosures (Rule 26(a))**

19 Plaintiffs and Defendants agree to provide the initial disclosures as forth in Rule 26(a)(1) on
20 December 11, 2020.

21 **IV. Discovery Conference (Rule 26(f))**

22 Plaintiffs and Defendants agree to conduct the discovery conference as set forth in Rule
23 26(f) on November 30, 2020.

1 **V. Case Management Orders**

2 The parties have submitted, and the Court has entered, the following stipulated case
3 management orders: (1) Protective Order, MDL ECF No. 308, (2) Order Re: Discovery of
4 Electronically Stored Information, MDL ECF No. 323, and (3) Rule 502(d) and Privileged
5 Materials Order, MDL ECF No. 322 (*See* ECF No. 112).

6 **VI. Coordination with MDL**

7 In addition to Altria and JLI in the instant proceedings, Plaintiffs have met and conferred
8 with counsel for the plaintiffs in MDL 2913 regarding coordination of scheduling, discovery and
9 other matters, including additional case management and other pretrial orders. These discussions are
10 ongoing and will continue in the future.

1 DATED: September 14, 2020

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3 By: /s/ Joseph R. Saveri
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E-Filing Attestation

I, Joseph R. Saveri, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

By: /s/ Joseph R. Saveri
Joseph R. Saveri